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Attorney's Docket No. 043474/257028

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Jones et al. Confirmation No. 9665  
Appl. No.: 09/141,264 Group Art Unit: 3625  
Filed: August 27, 1998 Examiner: Yogesh C. Garg  
For: GOAL ORIENTED TRAVEL PLANNING SYSTEM

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW HOLDING OF ABANDONMENT  
IN ACCORDANCE WITH MPEP §711.03(C)**

Sir:

As set forth in MPEP § 711.03(c), Applicants hereby petition to have the holding of abandonment of the above-identified application withdrawn. The application was held to be abandoned for there being no allowed claims following a decision by the Board of Patent Appeals and Interferences. Applicants submit that the holding is in error as discussed below. The following materials are submitted in support of Applicants' petition:

1. A copy of the Decision on Appeal issued by the Board of Patent Appeals and Interferences on October 19, 2005, reversing the examiner's § 103 rejection of independent Claim 58; and
2. A copy of the terminal disclaimer filed on February 10, 2006, in response to a provisional obviousness-type double patenting rejection.

As mentioned above, the application was held to be abandoned for there being no allowed claims following a decision by the Board of Patent Appeals and Interferences. Applicants would like to point out, however, that, although the decision by the Board states that the examiner's rejections are "AFFIRMED", the decision actually reversed the examiner's rejection of independent Claim 58. See, e.g., the Board's Decision on Appeal, pages 12-14. As such, Applicants should not have been required to file a reply and the examiner should have issued the application with Claim 58. MPEP § 1214.06 (II).

When the Notice of Abandonment was received on February 16, 2006, Applicants immediately attempted to contact the examiner. Voicemails were left with the examiner on February 16<sup>th</sup> and on March 2<sup>nd</sup>. During a telephone conference with the examiner on March 6<sup>th</sup>,

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the examiner indicated that Applicants should file a petition to revive under 37 C.F.R. 1.137(b) with a copy of the terminal disclaimer filed in response to the provisional obviousness-type double patenting rejection. However, as described above, the Examiner should not have held the application abandoned in the first place, since the Board Decision reversed the rejection of independent Claim 58. Thus, Applicants should not be required to file a petition to revive under 37 C.F.R. 1.137.

Furthermore, with respect to the provisional double patenting rejection, the above-identified application should have been permitted to issue without the filing of a terminal disclaimer. Specifically, since the above-identified application should have issued before the issuance of the later-filed application no. 10/141,935, the provisional rejection should have been withdrawn in the above-identified application. MPEP § 804 (I)(B)(1). Notwithstanding this fact, Applicants filed a terminal disclaimer, in response to the provisional double patenting rejection, on February 10, 2006.

In view of the foregoing remarks and the enclosed evidence, Applicants respectfully request that the instant petition be granted and that the holding of abandonment of the application be withdrawn.

It is believed that the present petition is treated as a petition under 37 C.F.R. 1.181, and that no fee is applicable. However, if any fee is due, please charge the fee to our deposit account No. 16-0605.

In this regard, if it is decided that Applicants are required to submit a petition to revive under C.F.R. 1.137(b), please charge the appropriate fee to our deposit account No. 16-0605. If such is the case, Applicants submit that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Respectfully submitted,  
  
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